

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Claims**

Withdrawn claims 8, 9, 12 and 13 have been cancelled without prejudice or disclaimer of the subject matter recited therein.

Independent claim 1 has been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below. These amendments have been made to clarify the structure of the claimed “member,” as kindly suggested in item 3 on pages 12 and 13 of the Office Action. Dependent claim 3 has also been amended to remain consistent with base claim 1.

Support for these amendments can be found, at least, in paragraphs [0028] and [0029] of the originally filed specification.

### **II. 35 U.S.C. § 102 Rejections**

Claims 1, 3, 5-7, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hagino. Further, claims 1, 3, 5-7, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tasai. Claims 1 and 3-7 were also rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshida (JP 2002/175790). These rejections are believed clearly inapplicable to amended independent claim 1 and the claims that depend therefrom for the following reasons.

Amended independent claim 1 recites a battery including a battery case having first and second inner wall surfaces, such that a distance between the first inner wall surface and the

second inner wall surface is designated as D1, and D1 spans across an entire interior width of the battery case. Further, claim 1 recites that the battery includes a member having a first side part and a second side part, such that a distance between an outer side face of the first side part and an outer side face of the second side part is designated as D2, wherein D2 is at least equal to D1, such that the outer side face of the first side part of the member is pressed against the first inner wall surface of the battery case and the outer side face of the second side part of the member is pressed against the second inner wall surface of the battery case, and such that the member spans across the entire interior width of the battery case causing the member to be held in a position inside of the battery. Finally, claim 1 recites that the member includes a void between the first side part and the second side part, such that the void sandwiches a part in which a lead and a positive electrode or a negative electrode are electrically connected. Hagino, Tasai, and Yoshida fail to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 1.

Rather, Hagino merely teaches that a collecting terminal 5 includes rivets and washers for sandwiching an axis bunch 49, such that the collecting terminal 5 does not span across an entire distance between inner walls of the barrel 11 (see paragraph [0014] and Figs. 1 and 2).

Thus, in view of the above, although Hagino teaches that the collecting terminal 5 sandwiches the axis bunch 49, Hagino still fails to disclose or suggest the member having a first side part and a second side part, such that a distance between an outer side face of the first side part and an outer side face of the second side part is designated as D2, wherein D2 is at least equal to D1 (the entire interior width of the battery case), such that the outer side face of the first side part of the member is pressed against the first inner wall surface of the battery case and the outer side face of the second side part of the member is pressed against the second inner wall

surface of the battery case, and such that the member spans across the entire interior width of the battery case, as recited in claim 1.

In other words, as discussed above, the collecting terminal 5 of Hagino does not span across an entire distance between the inner walls of the barrel 11, whereas claim 1 requires that the member spans across the entire interior width of the battery case.

Furthermore, in view of the above it is clear that Hagino teaches that the terminal 5 includes rivets and washers, but fails to disclose or suggest the member including a void between the first side part and the second side part, such that the void sandwiches a part in which the lead and the positive electrode or the negative electrode are electrically connected, as required by claim 1.

Now turning to Tasai, it is apparent that Tasai teaches that pinching plates 4 hold a linear part of metal foil together with a connecting plate 2b and leads 1a, 1b, such that the pinching plate is shorter than a linear part of a case 8 and is shorter than any width of the case 8 (see paragraphs [0039] and [0040] and Figs. 2 and 4).

Thus, in view of the above, it is apparent that Tasai teaches that the pinching plates 4 are shorter than the linear part of the case 8 and any width of the case 8, but fails to disclose or suggest the member having a first side part and a second side part, such that a distance between an outer side face of the first side part and an outer side face of the second side part is designated as D2, wherein D2 is at least equal to D1 (the entire interior width of the battery case), such that the outer side face of the first side part of the member is pressed against the first inner wall surface of the battery case and the outer side face of the second side part of the member is pressed against the second inner wall surface of the battery case, and such that the member spans across the entire interior width of the battery case, as recited in claim 1.

In other words, it is evident that Tasai teaches that a power generating element 1 including the pinching plates 4 is inserted into the case 8 (see Fig. 4), but fails to disclose or suggest that that the member spans across the entire interior width of the battery case, as recited in claim 1.

Moreover, Tasai merely teaches that the pinching plates 4 hold the linear part of metal foil together with the connecting plate 2b and leads 1a, 1b, but fails to disclose or suggest the member including a void between the first side part and the second side part, such that the void sandwiches a part in which the lead and the positive electrode or the negative electrode are electrically connected, as required by claim 1.

Now turning to Yoshida, the Applicants note that Yoshida merely teaches that separate portions of adhesive resin 15 respectively hold a cathode lead 13 and an anode lead 11 to a case 1 (see Figs. 1-3 and paragraphs [0012] -[0014]).

Thus, in view of the above, it is clear that Yoshida teaches that resin 15 holds lead 13 to case 1 and another resin 15 holds lead 11 to case 1, but fails to disclose or suggest the member having a first side part and a second side part, such that a distance between an outer side face of the first side part and an outer side face of the second side part is designated as D2, wherein D2 is at least equal to D1 (the entire interior width of the battery case), such that the outer side face of the first side part of the member is pressed against the first inner wall surface of the battery case and the outer side face of the second side part of the member is pressed against the second inner wall surface of the battery case, and such that the member spans across the entire interior width of the battery case, as recited in claim 1.

Additionally, although Yoshida teaches that the resin 15 adheres to the case 1, Yoshida still fails to disclose or suggest the member including a void between at least one of (i) the first

side part and the second side part, such that the void sandwiches a part in which the lead and the positive electrode or the negative electrode are electrically connected, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 3-7, 10 and 11 that depend therefrom are not anticipated by Hagino, Tasai, or Yoshida.

Furthermore, there is no disclosure or suggestion in Hagino, Tasai and/or Yoshida or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Hagino, Tasai and/or Yoshida to obtain the invention of independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 and claims 3-7, 10 and 11 that depend therefrom are clearly allowable over the prior art of record.

### **III. 35 U.S.C. § 103(a) Rejections**

Claims 4, 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Yoshida, Hagino, Tasai and Iwaizono.

As established above, it is submitted that Yoshida, Hagino and Tasai fail to disclose or suggest the features of amended independent claim 1. Therefore, by virtue of their dependence upon claim 1 it is submitted that claims 4, 10 and 11 would not have been obvious in view of Yoshida, Hagino and Tasai.

Furthermore, in view of the above, it is respectfully submitted that Iwaizono does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from Yoshida, Hagino and Tasai. Therefore, no obvious combination of Yoshida, Hagino and Tasai with Iwaizono would result in, or otherwise render obvious, the invention recited independent claim 1 and the claims that depend therefrom.

#### **IV. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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